

FILED

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

2016 DEC -7 PM 3:26

JON R. DEUTSCH,
 PLAINTIFF,

V.

TRAVIS COUNTY SHOE HOSPITAL,
 INC.,

DEFENDANT.

CLERK US DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY *[Signature]*
 DEPUTY

CAUSE NO. 1:15-CV-1198-LY

ORDER ON REPORT AND RECOMMENDATION

Before the court are Defendant Travis County Shoe Hospital, Inc.'s Motion to Dismiss, filed June 15, 2016 (Clerk's Doc. No. 6), and Plaintiff Jon R. Deutsch's Response in Opposition to Motion, filed June 29, 2016 (Clerk's Doc. No. 9). The motion was referred to the United States Magistrate Judge for a Report and Recommendation as to the merits. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72; W.D. Tex. Appx C, R. 1(d). The magistrate judge filed his Report and Recommendation on September 21, 2016 (Clerk's Doc. No. 31), recommending that this court grant the motion.

A party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the District Court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*). The record reflects that the parties

received the Report and Recommendation on September 21, 2016. Plaintiff timely filed objections on September 30, 2016 (Clerk's Doc. No. 32), and supplemental objections on October 3, 2016 (Clerk's Doc. No. 33). Defendant filed a response to Plaintiff's objections on October 5, 2016 (Clerk's Doc. No. 34).

In light of Plaintiff's objections, the court has undertaken a *de novo* review of the motion, response, objections, response to objections, applicable law, and entire case file in this cause. The court concludes that the objections raise only issues thoroughly and properly addressed by the magistrate judge in his Report and Recommendation. Therefore, the court will overrule Plaintiff's objections and approve and adopt the magistrate judge's Report and Recommendation as filed for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that Plaintiff's Objections To Magistrate's Report And Recommendations (Clerk's Doc. No. 32) and Supplemental Objections to Magistrate's Report and Recommendations (Clerk's Doc. No. 33) are **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge (Clerk's Doc. No. 31) is **ACCEPTED AND ADOPTED** by the court.

IT IS FURTHER ORDERED that Defendant Travis County Shoe Hospital, Inc.'s Motion to Dismiss (Clerk's Doc. No. 6) is **GRANTED**.

SIGNED this 7th day of December, 2016.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE